
Publish date:

WQC number: 830-0095-WQC-1

Public Notice

Closing Date:

06/01/2019

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 782-6549, or submit comments to: Water Quality Certification, Division of Mine Permits, 300 Sower Blvd, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: 300 Sower Blvd, Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Sebree Mining LLC
Mailing Address: 1146 Monarch Street, Lexington, KY 40513
Contact Person: Robert Ray
Telephone No: (859) 685-6332
E Mail Address: robert.ray@arlp.com
2. **Consultant Name & Address:** EcoSource, Inc., 104 Boston Square,
Georgetown, KY 40324
Telephone No. (502) 868-5200
E Mail Address: ecosource@hotmail.com
3. **Provide a brief description of the proposed activity and stream impact.**
The proposed project is an amendment to an existing coal mining permit (917-9007). The amendment area will include refusal disposal, topsoil storage, mine management area, sediment control, and roads. The existing mine permit area totals 179.5 acres. The amended mine permit area totals 220.8 acres. The total area for the existing and proposed mine permit is 400.3 acres.

4. **Project Location Information:**
County Webster; **USGS Quadrangle Name** Sebree, KY
Nearest Community & Road Intersection: Sebree, US 41 and Collins Road
Longitude -87.494963° **Latitude** 37.577822° (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:**
Unnamed tributary to Deer Creek

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Below Basin 21 are 81.3 acres _____

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Reach 9 – 335' – Intermittent – Permanent impacts
Reach 10 – 355' – Intermittent – Permanent impacts
Reach 11 – 360' – Intermittent – Permanent impacts
Reach 12 – 805' – Intermittent – Permanent impacts
Reach 13 – 240' – Intermittent – Permanent impacts
Reach 26 – 75' – Intermittent – Permanent impacts

8. Provide the acreage of wetlands that would be impacted: 0.194

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From Sebree, Kentucky, travel south on U.S. 41 for a distance of 2.5 miles. Turn left or east onto Collins Road and travel for a distance of 1.4 miles. The most downstream location of the property is at this location, where the unnamed tributary passes through a culvert under Collins Road. The actual mining disturbances start upstream on this unnamed tributary.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:

NW 12 ____ NW 14 ____ NW 21 ____ NW 27 ____ NW 49 ____
NW 50 ____ Individual X Other _____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 917-9007 Am 2, KPDES No. KYG046191

12. The following attachments must be provided:


- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Included is a copy of the application, including the mitigation plan, submitted to the ACE _____

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

 , Date: 3-16-15
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

POWER OF ATTORNEY
ALLIANCE COAL, LLC AND SUBSIDIARIES

TO

ROBERT W. RAY

MARCH 31, 2011

EXPIRES: INDEFINITE

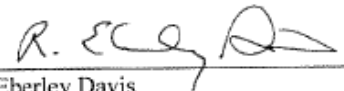
KNOW ALL PERSONS BY THESE PRESENTS: That Alliance Coal, LLC (the "Company"), organized and existing under the laws of the State of Delaware, acting on its behalf and on behalf of its wholly owned subsidiaries, does hereby appoint Robert W. Ray, Manager, Permitting and Environmental Compliance of the Company, its true and lawful Attorney-in-Fact with power and authority, for and on behalf and in the name of the Company, to file for, execute, process, or otherwise take necessary action pertaining to environmental applications for air, waste, and water permits, applications for surface disturbance mining permits, renewals thereof, or amendments or supplements thereto, certificates or other instruments directly related to such applications, renewals, amendments or supplements required to be filed with any local, state or federal governmental agency related to the Company's coal mining operations.

All actions taken by said Attorney-in-Fact prior to the date hereof consistent with the authority granted herein are hereby ratified and confirmed.

The Attorney-in-Fact herein appointed shall be authorized to act hereunder from the date hereof only so long as such Attorney-in-Fact shall remain an employee or authorized agent of the Company, or until such earlier time as this instrument has been revoked, annulled, rescinded or set aside by an instrument of revocation filed with the Company, whichever first occurs.

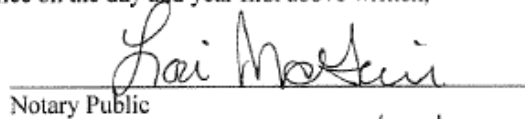
IN WITNESS WHEREOF, the Company has caused this Power of Attorney to be executed on its behalf, and its seal to be hereunto affixed and attested, in the County of Fayette, Commonwealth of Kentucky, as of the day and year first above written, by the undersigned, R. Eberley Davis, the duly authorized Secretary of Alliance Coal, LLC and Subsidiaries.

Alliance Coal, LLC and Subsidiaries

BY: 
R. Eberley Davis
Senior Vice President, General Counsel
and Secretary

COUNTY OF FAYETTE

Given under my hand and seal of office on the day and year first above written,



My Commission Expires: 5/3/2013